

REMARKS

The Office Action dated April 7, 2005, has been noted and its contents carefully studied.

In light of the foregoing amendments and the following comments, reconsideration of the rejection under 35 USC §102(b) is courteously requested.

Acknowledgement of the claim for priority and receipt of the certified copies of the priority document has been noted.

Turning now to the invention, in one aspect, it is directed to a storage compartment for a refrigerator door. The storage compartment includes a boxed-shaped body having a longitudinal wall of a given depth; and a compartment divider attached to the longitudinal wall, which extends over more than half of the given depth, and with the compartment divider defining a chamber for holding small items.

In a more specific aspect as now provided in new Claim 9, the box shaped body has a longitudinal wall at a given depth with a slot extending vertically within the longitudinal wall at least along a portion thereof. The compartment divider includes a rider extending downwardly spaced from a wall thereof located adjacent to the slot for being received within the slot for holding the compartment divider attached within said box shaped body. The compartment divider defines a chamber for holding small items.

In one specific aspect, as recited in new Claim 16, the rider has an inner surface and at least one rib formed on the inner surface. As further recited in new Claim 17, the slot of Claim 9 includes at least one groove within walls defining the slot for engaging with the at least one rib. Alternatively, as in Claim 17, the slot and rider are sized to form a friction lock between the rider and walls of the box shaped body. Finally, and in a yet still more specific aspect, the compartment divider is formed of four connected walls which do not extend to a bottom of the box shaped body

to define said chamber for holding items therein, and includes an open bottom for allowing items therein to rest on a bottom of the box shaped body.

It is respectfully urged that the invention as recited in the claims, both in the previously presented Claims 1-8 as well as in the newly presented Claims 9-18, is not anticipated by the cited references under 35 USC §102(b) or obvious under 35 USC §103, as will become more clearly evident from the following detailed discussion of these references, presented herein for the Examiner's kind consideration.

U.S. Patent 3,220,558 to Olsson

U.S. Patent 3,220,558 to Olsson (hereinafter "Olsson") shows a bottle holder for open-top storage receptacle. The storage receptacle includes an open-top receptacle defined in part by a bottom shelf. A bottle holder extends lengthwise of the bottom shelf and is formed with flexible fingers which function to hold the bottles, in one embodiment, against the front wall of the shelf as the fingers are forced to flex when a bottle is placed therein. In the specific embodiment of Figures 4 and 5, the flexible fingers are placed to extend from the front of the shelf. In this case, the bottles are held against the inner door wall or liner (column 3, lines 54-75, and column 4, lines 1-42).

In this regard, it is noted that Applicants' claims, particularly in Claim 1, include a compartment divider attached to the longitudinal wall and extending over more than half of the given depth, with the compartment divider defining a chamber for holding small items. Olsson fails to teach or suggest such a divider, which includes a chamber, and instead, there is no chamber formed in Olsson.

In Olsson, a plurality of fingers corresponding to the size of the bottle placed in the shelf deflect to force the bottle either against the front wall of the compartment or

against the back wall which is part of the refrigerator door. The number of fingers deflected is in relation to the size of the bottle inserted. Yet still more specifically, Olsson also clearly fails to teach or suggest the invention of new Claim 9 in which there is a slot provided extending vertically on a longitudinal wall of the box shaped body, with a compartment divider having a rider extending downwardly spaced from a wall thereof into the slot. Even yet still further, there is nothing in Olsson teaching or suggesting the use of a rib formed on the rider to fit into corresponding grooves within walls defining the slots such as is provided in Claims 15 and 16. Finally, it is also clear that the features of Claim 18 are not taught or suggested by Olsson, wherein the compartment divider is defined by four connected walls which do not extend to a bottom of the box shaped body, with the divider having an open bottom for allowing items held therein to rest on a bottom of a box shaped body.

European Publication 0611930 A2

European Publication 0611930 A2 (hereinafter EP'930") shows a refrigerator door with a storage compartment, which includes a plurality of dividers 13 which are held on the outer wall of the compartment by overlapping arrangement with a tongue 12. The dividers 13 are slidable within the compartment and cooperate with an elastic band 20, such that bottles placed in the compartment are held against the front wall of the compartment or the back wall of the compartment depending on which side of the elastic band the bottles are placed in. The dividers slide into contact with the bottles on either side and do not define a chamber

In this regard, the structure of EP'930 has nothing to do with a compartment divider attached to a longitudinal wall and extending over more than half of the given depth with the compartment divider defining a chamber for holding small

items, as claimed. It is important to note that Applicants' claims require that it is the compartment divider, which defines the chamber. In EP'930, there are no chambers defined by the compartment dividers which are merely plates 13 which extend towards the back wall to cooperate with the band 20. EP'930 provides a much more complicated arrangement, than is provided by Applicants' invention and does not anticipate or render obvious Applicants' invention.

Yet still further, as now defined in new Claim 9, there is nothing in EP'930 which discloses or suggests a rider extending downwardly spaced from a wall of the compartment divider for being received within the slot of the compartment. Similarly, the specific arrangement of Claims 15-18, which more specifically recite the structure of the compartment divider as including a rib and corresponding grooves in the slot, as well as the four connected walls with an open bottom. As such, it is respectfully urged that all of the claims also are clearly patentable over EP'930.

German Publication No. 90 14 463.5

German Publication No. 90 14 463.5 (hereinafter "DE'463") shows a storage compartment, having a divider 31 similar to that of previously discussed EP'930, but without the elastic band cooperating therewith. Sub-compartments 30 are held on the front wall of the main compartment and include their own smaller compartments 30.

These compartments 30 are not dividers for the main compartment and do not extend over more than half of the given depth to define a chamber for holding small items. Instead, they merely hang over the front wall and form separate compartments themselves and do not anticipate or render obvious Claims 1-6.

Moreover, there is nothing in DE'463, which suggests the features of Claim 9 in which a rider extends downwardly spaced

from a wall thereof adjacent a slot of the compartment holding the compartment divider attached within the box shaped body. Yet still further, there is nothing to suggest the feature of the rider having an inner surface and at least one rib formed on the inner surface, as provided in Claim 16, wherein the slot includes at least one groove within walls defining the slot for engaging with the rib. Yet still further, the features of having the compartment divider defined by four connected walls, which do not extend to the bottom of the box shaped body to define the chamber for holding items therein, and which is open at the bottom for allowing items held therein to rest on the bottom of the box shaped body is simply not taught or suggested by DE'463.

Japanese Publication No. 2001-116439

Japanese Publication No. 2001-116439 (hereinafter "JP'439") discloses an egg container for a refrigerator. A plurality of unit egg pans, having two or more egg containing holes are arranged laterally within a door compartment. Unused egg pans are turned down to eliminate a useless egg pan. This has nothing to do with a compartment divider attached to a longitudinal wall and extending over more than half of the given depth, with the compartment divider defining a chamber for holding small items. It is only after a hindsight interpretation of JP'439 that the Examiner has been able to advance the proposed rejection of the claims under §102.

Moreover, the other features of the claims, as previously discussed, in particular with respect to the newly presented claims are clearly not taught or suggested by JP'439.

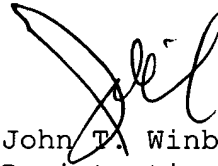
For the reasons provided, it is respectfully urged that all of Claims 1-18 as now presented, clearly define over the cited referenced under 35 USC §102 and/or §103, and that all of the claims are clearly allowable.

If the Examiner has any questions or further objections regarding the claims, the Examiner is requested to contact the undersigned.

John T. Winburn

Name of Attorney Signing
Under 37 CFR 1.34

Respectfully submitted

A handwritten signature in black ink, appearing to read 'JTW', is written over the printed name 'John T. Winburn'.

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